

* * * a most effective intestinal antiseptic. Especially good for acute gastritis, cramps and as a stomach cleanser;" (large-sized bottle) "For Gums, Mouth, Nose, Throat * * * Fresh Wounds, Old Sores * * * For Many Infections and Inflammations of the Mouth and Gums hold Pyro-Sana undiluted, in the mouth over affected area, * * * Throat and Tonsils * * * gargle until relieved * * * Fresh Wounds."

On February 25, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17969. Adulteration and misbranding of syrup of tar with extract of cod livers and menthol. U. S. v. 35 Bottles, et al., of Syrup of Tar with Extract of Cod Livers and Menthol. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25438, 25439. I. S. Nos. 9622, 15632. S. Nos. 3680, 3681.)

Examination of a sample of a drug product, known as syrup of tar with extracts of cod livers and menthol, from one of the herein-described shipments having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, and that it did not contain the characteristic cod-liver vitamins, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On December 4, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 90 bottles of the said syrup of tar with extract of cod livers and menthol, remaining in the original unbroken packages in part at Wildwood, N. J., and in part at Orange, N. J., alleging that the article had been shipped by Shoemaker & Busch (Inc.), from Philadelphia, Pa., on or about October 28, 1930, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of tar, menthol, chloroform, sugar, and water. Biological examination showed that the article was worthless as a source of the vitamins of cod livers.

It was alleged in the libels that the article was adulterated in that it was sold under the following standard of strength and quality, "Extract of Cod Livers," whereas the strength and quality of the article fell below such professed standard, in that it contained no extract of cod livers.

Misbranding was alleged for the reason that the design of a cod fish and the statement "Extract of Cod Livers," appearing on the label, were false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the label of the bottle, "Catarrh, Coughs * * * Bronchitis and certain conditions of Asthma, Croup and Whooping Cough. * * * For Coughs, Bronchitis and all Throat Irritations, use this mixture as a gargle * * * Weak children subject to cough should take a dose every night during cold and raw weather. This Syrup Is Suggested for the Relief of Various Throat Troubles. Croups, Diphtheria and Scarlet Fever usually being with sore Throat. In such cases this syrup may be of benefit to the symptom," and the following statements appearing on the wrappers enclosing a portion of the said article: "Catarrh, Coughs, * * * Bronchitis, Whooping Cough * * * Bronchitis and Coughs of all kinds. It is also useful in certain conditions of Croup, Asthma and Whooping Cough. * * * useful in the relief of certain pulmonary diseases," regarding the curative or therapeutic effects, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 27, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17970. Misbranding of Pneumatica and Pneumatica Extra Strong. U. S. v. 70 Boxes of Pneumatica, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 25546, 25547. I. S. Nos. 8873, 8874, 8875, 8878. S. Nos. 3735, 3742.)

Examination of the herein-described articles showed that they were drug products known as Pneumatica, a portion contained in boxes and a portion contained in tubes, and Pneumatica Extra Strong, contained in tubes; that the cartons containing the boxes of Pneumatica, the cartons containing the tubes

of Pneumatica Extra Strong, and the circular accompanying all three lots, bore claims of curative and therapeutic properties that the articles did not possess.

On December 23, 1930, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 102 boxes and 471 tubes of Pneumatica, and 27 tubes of Pneumatica Extra Strong at Pittsburgh, Pa., alleging that the articles had been shipped by the Charles F. Polk Co., from Troy, N. Y., in various lots, on or about January 28, May 19, and October 6, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Pneumatica was an ointment containing from 10 to 12.5 per cent of volatile ingredients including camphor, methyl salicylate and phenol, capsicum oleoresin, an extract of an alkaloid-bearing drug, petrolatum, and waxy matter; and Pneumatica Extra Strong was an ointment containing approximately 15 per cent of volatile ingredients including camphor, methyl salicylate and phenol, capsicum oleoresin, an extract of an alkaloid bearing drug, petrolatum, and waxy matter.

The libels charged in substance that the articles were misbranded in that certain statements appearing in the labeling, regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

The charges recommended by this department were that the articles were misbranded in that the following statements in the labeling were false and fraudulent: (Carton containing Pneumatica in boxes) "An external application for Pneumonia, Croup, Asthma, Bronchitis, Rheumatism, Neuritis, Lumbago, Sciatica, Pleurisy * * * And All Other Forms of Internal Congestion, Inflammation and Consolidation;" (carton containing Pneumatica Extra Strong) "An External Application for Pneumonia, Croup, Asthma, Bronchitis, Rheumatism, Lumbago, Sciatica, Pleurisy * * * And All Other Forms of Internal Congestion, Inflammation and Consolidation;" (circular accompanying all three styles) "Pneumatica quickly relieves pain and its record in the treatment of Pneumonia during the past twenty years is one of constant success. * * * It displaces * * * any kind of * * * method for treating internal inflammation or congestion * * * relieving pain instantly and is certain in its results. * * * for the external treatment of pains and aches from Congestion, Consolidation or Inflammation. It is recommended for its instantaneous action. * * * Especial attention of the physician is called to its great value in cases of Pneumonia. * * * Pneumonia * * * in extreme cases use Extra Strong. Rheumatism, Neuralgia, Neuritis, Lumbago, Sciatica, Pleuritic Pains, Peritoneal Pains, Chest or Tubercular Pains, Stiff Joints, Bronchitis, * * * Sore Throat, Asthma * * * Backache * * * Pleurisy, Stomach or Bowel Pains, Croup, Whooping Cough and Pains Suffered by Gassed Veterans of the Late War. Important—In extreme cases use Extra Strong. Pneumatica seems to reach the seat of the trouble in a marvelously short space of time."

On March 3, 1931, no claimant having appeared for the property, judgments of condemnation were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17971. Misbranding of Smith's specific compound, Smith's King of All Pain and Tex-A-Tine ointment. U. S. v. 3 Dozen Bottles of Smith's Specific Compound, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25312, 25313, 25314, 25320, 25427, 25428. I. S. Nos. 1698, 1699, 1700, 11286, 11953, 11954. S. Nos. 3579, 3587, 3676.)

Examination of the herein-described drug products having shown that the labels bore claims of curative and therapeutic properties that the articles did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On November 18 and December 15, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 23½ dozen bottles of Smith's specific compound, 9 dozen bottles of Smith's King of All Pain, and 3 dozen jars of Tex-A-Tine oint-